IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 32873 of 2007(L)

PETITIONER:

ASHA, W/O.SHAJI, AGED 30 YEARS,
CHAMPAKKAL HOUSE, PYARI JUNCTION,
THOPPUMPADY, RAMESWARAM VILLAGE,
KANAYANNOOR TALUK.

BY ADV. SRI.C.D.JOHNY
SMT.MEREENA JOSEPH

RESPONDENTS:
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1. SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM.

2. CITY POLICE COMMISSIONER, ERNAKULAM.

BY GOVT. PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR &
K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 32873 OF 2007-L

Dated 14th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court, alleging that the respondents are harassing her and interfering with the running of a beauty parlour called "Excellent Beauty Clinic". Raising the very same allegation, she had approached this Court earlier and this Court rendered the following judgment:

> "Petitioner has approached this court complaining police harassment. Learned Government Pleader, on instructions, submitted that police has acted according to law and is not interfering with the functioning of the beauty parlor. We are of the view that so long as the petitioner is conducting beauty parlor in accordance with law, police will not harass her. All the same, it is always open to the police to keep a vigil over the activities of the beauty parlor. With the above direction, this writ petition is dismissed."

The petitioner submits, after the said judgment there was no harassment for some time. Now, again the police officers have started unnecessarily harassing her. So, she has filed Ext.P3 representation before the 2nd respondent Commissioner of Police, Kochi and thereafter this Writ Petition is filed, seeking the following relief:

> "(i) a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent not to harass the petitioner by interfering in the functioning of their beauty parlour."

2. The learned Government Pleader, upon instructions, submitted that on receiving telephonic information that some illegal activities are going on in the petitioner's beauty parlour, the police made certain enquiries. The police are authorised to do that by Ext.P2 judgment itself, it is submitted. The learned Government Pleader denies the allegation of harassment raised by the petitioner.

3. In view of the directions in Ext.P2 judgment, we are of the view that this second writ petition, again seeking the very same relief, is not maintainable. If the direction in Ext.P2 is violated, the remedy of the petitioner is not to file a second writ petition. Accordingly, the writ petition is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

K.P.BALACHANDRAN, JUDGE.

Nm/